

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**THE LINCOLN NATIONAL  
LIFE INSURANCE COMPANY**

**INTERPLEADER PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:11-CV-439-HSO-RHW**

**CHRISTOPHER MICHAEL  
TIDWELL, S.M.T., BOBBY LEON GIBSON,  
AND MILES SMITH**

**INTERPLEADER DEFENDANTS**

**ORDER GRANTING INTERPLEADER PLAINTIFF'S MOTION TO DISMISS  
AND FINAL JUDGEMENT OF DISMISSAL WITH PREJUDICE**

This cause came before the Court on The Lincoln National Life Insurance Company's Motion [41] to Dismiss and Discharge Plaintiff in Interpleader filed September 21, 2012. The Court, being advised of the facts and circumstances of this matter, specifically that the instant Motion is unopposed, finds that the Interpleader Plaintiff The Lincoln National Life Insurance Company, should be dismissed with prejudice, and entitlement to the interpleader sums should be litigated among the remaining parties as cross-claimants.

**IT IS, THEREFORE, ORDERED AND ADJUDGED**, that the Interpleader Plaintiff, The Lincoln National Life Insurance Company, is **DISMISSED WITH PREJUDICE**.

**IT IS, FURTHER, ORDERED AND ADJUDGED**, that Plaintiff has requested, and the Court finds that since there is no just reason for delay, this Order is certified as a final judgment pursuant to FED. R. CIV. P. 54(b). Interpleader Plaintiff, The Lincoln National Life Insurance Company, is discharged from any further liability

or participation in this matter or for any claims that the remaining parties may have with regard to The Lincoln National Life Insurance Group Policy No. GL 000010088981. The action will proceed among the remaining named parties.

**SO ORDERED AND ADJUDGED**, this the 11<sup>th</sup> day of October, 2012.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE